

Off-Duty Law Enforcement Actions

343.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Hudson Police Department with respect to taking law enforcement action while off-duty (Wis. Stat. § 175.40(6m)(a)(3)).

343.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged and an officer's authority is limited by the State of Wisconsin. Officers, unless responding to an emergency situation that poses a significant threat to life or bodily harm pursuant to Wis. Stat. § 175.40 (6m)(a)1, should not attempt to initiate enforcement action when witnessing non-violent crimes or property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency (Wis. Stat. § 175.40(6m)).

343.2.1 OFF-DUTY LIMITATIONS

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department may take reasonable law enforcement action to minimize or eliminate a threat if all of the following apply (Wis. Stat. § 175.40(6m)(a)):

- (a) An officer becomes aware of an incident or circumstance that he/she reasonably believes poses a significant threat to life or of bodily harm. Unless the safety of a person requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.
- (b) The officer is taking action that would be authorized by the policies of the Hudson Police Department.

Nothing in this policy prevents an employee from conducting a lawful private person's arrest as long as his/her status with this department is not used or disclosed.

343.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any medication or drugs that would tend to adversely affect the officer's senses or judgment.

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343.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers who are authorized by law decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration (Wis. Stat. § 175.40(6m)(a)(3)(a)):

- (a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, oleoresin capicum (OC) spray or a baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

343.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Hudson Police Department officer until acknowledged. Official identification should also be displayed.

343.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

343.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

343.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

343.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the applicable local law enforcement agency as soon as reasonably practicable. Additionally,

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the employee shall contact a supervisor , who shall determine whether to send a supervisor to the scene. A report shall be completed by the employee (Wis. Stat. § 175.40(6m)(a)(3)(c)).

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate (Wis. Stat. § 175.40(6m)(a)(3)(b)).